

REMARKS

In the Office Action, the Examiner objected to claims 37-46 and rejected claims 14-46.

By this paper, Applicants have amended claims 37-46 to obviate the lack of antecedent basis objection to claims 37-46. These amendments do not add any new matter. Upon entry of these amendments, claims 14-46 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

Claims 37-46 have been amended to correct the lack of antecedent basis objection raised by the Examiner. As such, Applicants respectfully request withdrawal of the objection to claims 37-46.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 14-46 under 35 U.S.C. § 102 as anticipated by Jerding et al., U.S. Pub. No. 2006/0271973 (hereinafter “the Jerding reference”). The current rejection was made after the application had been put into condition for allowance by Applicants in the After Final Response mailed October 30, 2007. It should be noted that the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. *See* M.P.E.P. § 706. The Examiner has reopened prosecution of the present application to apply art that, as will be demonstrated below, is no closer to anticipating the current claims than any art previously cited and successfully overcome.

The Examiner is reminded that this case has been pending for over four years and that rejections based on similar art to that already overcome is improper when the claims are in condition for allowance. The Examiner should not overlook their duty to *allow* claims under M.P.E.P. § 706.

With regard to independent claims 14, 25, and 36 the Examiner stated in relevant part:

Claims 14 and 25:

Jerding discloses a system and method *for delivering content selection information to be displayed as a content selection guide* (abstract; p. 1, par. 0009-0010; fig 8A). Jerding teaches *providing content selection information having descriptive information* (fig. 8B; list 201) *associated with the content available fro the plurality of content sources* (p. 1, par. 0010; p. 19, claim 9), *the content selection information being adapted to be displayed within a plurality of selectable guide cells* (fig. 8B; list 201); *defining an action to be associated with content selection information* (fig. 8B, program information 204b is displayed when item 201a is selected and further information is provided when info button 210 is selected); *defining an indicator within the at least one of the selectable guide cells, the indicator corresponding to the action, to allow the user to initiate the action by selecting the indicator* (fig. 8B; item 201 is an indicator that corresponds to an action; when item 201 is selected, additional information, program info 204b corresponding to selected item 201, is displayed).

Office Action, page 3 (emphasis original).

Claim 36:

See claim 14. Jerding teaches a mass storage device (computer readable medium) comprising a software application (p. 18, par. 0149).

Office Action, page 5.

Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of Independent Claims 14, 25, and 36

The Jerding reference fails to anticipate all elements of independent claims 14, 25, and 36. Independent claim 14 recites, *inter alia*, “providing content selection information *from a plurality of content sources* to a user...the content selection information being adapted to be *displayed within a plurality of selectable guide cells*.” (Emphasis added). Similarly, independent claim 25 recites, *inter alia*, “means for providing content selection information *from a plurality of content sources* to a user, the content selection information being adapted to be *displayed within a plurality of selectable guide cells*.” (Emphasis added). Finally, independent claim 36 recites, *inter alia*, “provide content selection information *from a plurality of content sources* to be displayed as a content selection guide to a user...the content selection information being adapted to be displayed *within a plurality of selectable guide*

cells." (Emphasis added).

Contrary to the Examiner's position, the Jerding reference fails to anticipate providing content selection information *from a plurality of content sources* for display *within a plurality of selectable guide cells*, as recited in the independent claims listed above. The Examiner cited the abstract and paragraphs 9 and 10 of the Jerding reference as allegedly anticipating providing content selection information *from a plurality of content sources*. Applicants have reviewed the cited sections, as well as the remainder of the Jerding reference, but have failed to find any showing of providing content selection information *from a plurality of content sources*.

At best, the cited portions of the Jerding reference (from the abstract and summary of the invention sections) appear to generally describe providing a plurality of promotional media to a client through the use of an interactive guide. Specific examples are provided whereby the media is media-on-demand (paragraph 35) which includes pay-per view programming (paragraph 47) such as movies (paragraphs 79-80) or sporting events (paragraph 93). However, regardless of the media to be displayed in the guide, be it programming or advertising (paragraph 143), the content is provided by a *single* content source, namely the cable, satellite, or other provider delivering the media on demand for selection by the user. *See* Jerding, paragraph 142. The entire Jerding reference appears to be directed to a *single provider* of television programming making pay-per-view programming easily available to a client via a displayed user guide. *See* Jerding, FIG. 8B, and paragraphs 79, 91, 93, and 138. Indeed, even in the portion of the Jerding reference cited by the Examiner (FIG. 8B, ref. 201) as describing displaying content from a *plurality* of sources

within a plurality of selectable guide cells, the displayed content information, information about a particular movie, is provided by a *single provider* of content, here the television programming provider. *See* Jerding, FIG. 5 and FIG. 6.

Contrast this with independent claims 14, 25, and 36 whereby content selection information is provided *from a plurality of content sources* for display *within a plurality of selectable guide cells*. An example illustrating multiple source content selection information is illustrated in FIG. 2 of the current application. Secondary information ranging from internet chat sessions (30) and sports statistics (80) to interactive advertising (40 and 60) is also displayed *within the plurality of selectable guide cells*. *See* Application, FIG. 2. In this manner, there is a single point of entry for access to multiple content sources ranging from television programming to the internet. *See* Specification, paragraph 41. Thus, the plurality of guide cells provide content selection information not only from a first source (for example television programming from a cable company), but also from at least a second source (for example an internet chat session from an internet service provider). There is no equivalent teaching in the Jerding reference.

Instead, the Jerding reference is merely a second example of a conventional display guide already described to the Examiner in the current application. *See* Application, FIG. 1, paragraph 19. The provided example of a conventional display guide merely illustrates what is expressly described in the Jerding reference, namely a display guide with information provided from a *single* content source. As such, the Jerding reference, which describes a display guide with information provided from a *single* content source, fails to disclose all elements of independent claims 14, 25, and 36, namely, providing content selection

information from a plurality of content sources for display within a plurality of selectable guide cells. As such, the Jerding reference cannot anticipate independent claims 14, 25, and 36 under Section 102. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of independent claims 14, 25, and 36, as well as all claims depending thereon.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Michael G. Fletcher
Reg. No. 32,777
FLETCHER YODER
7915 FM 1960 West, Suite 330
Houston, TX 77070
(281) 970-4545

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400